IV.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—" I have to announce to the House the following message, dated Fort St. George, the 22nd January 1948, received by me from the Hon. the Speaker of the Madras Legislative Assembly :—

' In accordance with rule 111 (2) of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947 (L.A. Bill No. 37 of 1947).

' That, under rule 111 of the Madras Assembly Rules, the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of thirty members to consider the Bill, twenty members from the Assembly and ten members from the Council '."

V.—GOVERNMENT BILLS.

(1) THE MADRAS ALIYASANTHANA BILL, 1947 [a].

THE HON. SRI K. MADHAVA MENON :—" Sir, I beg to introduce the Madras Aliyasanthana Bill, 1947, and move under rule 111 of the Madras Council Rules that the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of 12 members to consider the Bill, eight members from the Assembly and four members from the Council.

" Sir, there is no necessity for me to speak at length on this Bill. Aliyasanthana law is more or less the same as the Marumakkatayam law which prevails in the neighbouring district of Malabar. In the book on the subject by Mr. P. R. Sundara Ayyar it is stated as follows (pages 243–245) :—

' Aliyasanthana law as the name implies is the rule of inheritance under which property descends in the line of nephews. The term, it will be noticed, is the exact Kanarese equivalent of the Malayalam term Marumakkatayam. The people that follow this system are to be found in Kanara and mostly speak Tulu. The word corresponding to *Marumagan* is *Marumaya* in Tulu, but the word in use among the people to denote the system of law is the Kanarese word—Aliyasanthana Kattu or more shortly Aliyakattu. The rules of this system with the traditional account of its origin are to be found in a Kanarese pamphlet known as Bhutala Pandya's Kattu Kattalai.

* * * * * *

---

[a] Published in the *Fort St. George Gazette*, dated 9th December 1947.

[Sri K. Madhava Menon] [23rd January 1948

' The system promulgated differs but slightly from the Marumakkatayam system. In its main features, viz., impartibility, descent in the line of females and non-recognition of marriage as a legal institution it completely agrees with the latter.

* * * * *

' The Aliyasanthana system differs from that of Malabar only in more consistently carrying out the doctrine that all rights to property are derived from females. Observations to a similar effect are to be found in some decisions. These observations are responsible in the main for the recognition of rights of management in females, for the evidence given in certain cases disclosed a state of facts not dissimilar to that in Malabar.'

" Sir, when the Marumakkatayam Bill was brought in the Assembly in 1932 it was expected to cover the Aliyasanthana law also, but serious objections were raised by the followers of Aliyasanthana law in South Kanara and they were excluded from the provisions of the Bill. In 1933, the hon. Member Mr. A. B. Shetty brought forward an Aliyasanthana Bill which was referred for public opinion. Public opinion was obtained and published by the Government. The majority of followers of Aliyasanthana law agreed that the Bill was necessary. But as the Legislature was dissolved, the Bill could not be proceeded with. When the Legislature was formed again, the hon. Member Mr. A. B. Shetty, before he became Minister, gave notice of a private Member's Bill and the Government gave him permission to do so and said that they would not oppose the Bill being referred to a Select Committee. Later on, he was able to convince the Government that the Government themselves might take it up as a Government Bill. That is the reason why it has come up now as a Government Bill.

" Sir, the Bill only intends to codify the existing law which is based on custom and certain decisions of courts. Customs change and the views of courts also have been changing. We have simply attempted to codify the existing practice and made certain changes to suit the conditions and the ideas of the people affected. It has been suggested that it is expedient to define and amend in certain respects the law relating to marriage, intestate succession, family management and partition applicable to persons governed by the Aliyasanthana Law of Inheritance. The exclusion of persons following Aliyasanthana law of inheritance from the operation of the Marumakkatayam Bill in 1933 was due to the opposition of a section of the people to certain provisions in the Chapters of Marriage and Partition and since then, opinion in favour of such legislation has gathered strength in the South Kanara district.

" Sir, I feel that the Bill before the House does not go as far as the Marumakkatayam Act in some respects. We have given consideration to conservative opinion and respected it. Therefore,

23rd January 1948] [Sri K. Madhava Menon]

we have not gone far in that direction. But on one matter, I would have certainly preferred a further step. On the question of marriage, you will find in clause 4:

'Save as provided in section 5, the conjugal union of an Aliyasanthana female with a male belonging to the same community as such female shall be deemed for all purposes to be a legal marriage, . . .'

"Personally I would have liked the words 'male belonging to the same community as such female' to be omitted. I do not see any reason why a marriage of an Aliyasanthana female with a male belonging to any community provided he is a Hindu, should not be a valid marriage. When the Marumakkatayam Bill was introduced there was the same wording. Subsequently opinion in Malabar was in favour of a change. In the Select Committee the words 'the same community as such female' were omitted and the words 'male belonging to any Hindu community' were added.

4-15 p.m. "There is a very strong opinion in South Kanara that marriages between an Aliyasanthana female and males belonging to that community should be recognized and that has been recognized in the Bill here. That is the main change that has been promulgated now. I do not think I should go into details of the sections, because the sections are more or less the same as before. If any changes are necessary according to custom that is now prevailing, they may be discussed by the Select Committee and I need not take up the time of the House by dealing with section after section."

The motion was put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I suggest that the undermentioned Members of this House be elected to the Joint Select Committee :—

(1) Sri R. Suryanarayana Rao,
(2) ,, D. Manjayya Hegde,
(3) ,, M. Narayana Menon, and
(4) The Hon. Sri K. Madhava Menon."

MR. PRESIDENT :—" Since the Bill is being introduced here first, the Hon. Minister can give the names of the Members of the Select Committee after the concurrence of the Legislative Assembly."

(2) THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947.

* THE HON. SRI KALA VENKATA RAO :—" Sir, I move—

'*That this House concurs in setting up a Joint Select Committee of both the Houses consisting of 30 members (20 members from the Assembly and 10 members from the Council) to consider the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill,* 1947 (*L.A. Bill No.* 37 *of* 1947) *and that the following Members of this House be nominated to the said Joint Select Committee.*'